

Notice of Allowability

Application No.

10/086,373

Applicant(s)

CLARK ET AL.

Examiner

Alan Diamond

Art Unit

1753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed January 21, 2004.
2. ☒ The allowed claim(s) is/are 1-9, 11-31 and 33-71.
3. ☒ The drawings filed on 03 July 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/14/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03112004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Alan Diamond
Primary Examiner
Art Unit: 1753

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dan Cleveland on March 11, 2004.

The application has been amended as follows:

In The Claims

In claim 1, at lines 1-2, please delete "first and second devices" and insert in its place --a first device and a second device--.

In claim 24, at lines 1-2, please delete "first and second devices" and insert in its place --a first device and a second device--.

In claim 24, at line 4, please delete "hingedly".

In claim 24, at line 4, after "edge" and before the semicolon, please insert --with a hinge--.

Please cancel claim 32.

At line 1 in each of claims 33, 34, and 35, please delete "32" and insert in its place --24--.

In claim 44, at line 2, please delete "a" and insert in its place --one of the first and second--.

In claim 44, at line 2, please delete the second occurrence of "member" and insert in its place --members--.

In claim 44, at line 3, before the word "devices" please insert --first and second--.

In claim 46, at line 8, please delete "pair of" and insert in its place --first and second--.

In claim 46, at line 13, please delete "pair of" and insert in its place --first and second--.

In claim 48, at line 10, please delete "saiddevices" and insert in its place --said devices--.

2. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest the claimed combination of devices, hinges and bracing members. Dillard (U.S. 3,690,080) does have spring clips (44), which can be considered to be bracing members. However, said spring clips (44) are rigidly, not hingedly, attached to each panel (28) of Dillard. Note that the instant claims recite bracing members that are hingedly connected to the first and second devices. Kester (U.S. 6,031,178) and Cruysen (EP 884241 A1) lack the instant combination of devices, hinges and bracing members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Diamond
March 11, 2004

Alan Diamond
Primary Examiner
Art Unit 1753

A handwritten signature in black ink, appearing to read "Alan D. Diamond", with a stylized flourish at the end.